

STATE OF MAINE

v.

DANIEL B. SOLEY

Submitted on Briefs September 16, 2005

Decided October 12, 2005

Panel: SAUFLEY, C.J., and CLIFFORD, DANA, ALEXANDER, CALKINS,
LEVY, and SILVER, JJ.

MEMORANDUM OF DECISION

Daniel B. Soley appeals from the judgment of the District Court (Portland, *Bradley, J.*) finding him to have committed the civil violation of speeding, for driving 82 mph in a 55 mph zone. *See* 29-A M.R.S.A. § 2073(3) (1996). Soley contends that the judgment should be vacated because (1) the court's rules and procedures for docketing and processing traffic infractions were not complied with in a number of respects; (2) at trial, the case against him was presented by a police officer rather than an assistant district attorney; and (3) he was denied equal protection of the laws when a nonlawyer was allowed to present the case for the State, but his request to be assisted in his defense by a nonlawyer was denied.

There is no transcript of the trial, and it does not appear that Soley contests the conduct of the trial or the sufficiency of the evidence to support the court's finding. Thus, Soley can demonstrate no prejudice from any of the alleged procedural errors in case processing. *See* M.R. Civ. P. 61. Prosecution of traffic infractions by law enforcement officers is explicitly authorized by 4 M.R.S.A. § 807(3)(M) (Supp. 2004) and 30-A M.R.S.A. § 282(2) (1996). While the record is not clear as to the extent of the discussion of Soley's request to be assisted by a nonlawyer, the law is clear that persons who are not members of the Maine bar may not represent private individuals before the court except in special instances authorized by 4 M.R.S.A. § 807(3). *See Board of Overseers of the Bar v. MacKerron*, 581 A.2d 424, 425 (Me. 1990).

Accordingly, we affirm the judgment of the District Court.

The entry is:

Judgment affirmed.

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